

GENESEE COUNTY ROAD COMMISSION

SPECIAL BOARD MEETING

February 09, 2021

MINUTES

CALL TO ORDER

Chairperson Dickerson called the meeting of the Genesee County Board of Road Commissioners to order at 10:08 a.m. The meeting was held in the Board Room of the Genesee County Road Commission, 211 W. Oakley, Flint, Michigan 48503-3995.

ROLL CALL

Present: Cloyce Dickerson, Chairperson
John Mandelaris, Vice Chairperson (remotely from Flint Township)
David Arceo, Commissioner
Cathy Lane, Commissioner
Timothy Elkins, Commissioner

Absent: None

Others Present: Attorney Andrew Cascini, (Henn Lesperance PLC), Attorney Craig Lange-remotely, (Kirk Huth Lange Badalamenti), Gayle Cummings (MCRC SIP), Charles Winfrey, County Commissioner, (remotely), Royce Stevens (remotely), A.C. Dumas (remotely), Billie Bradshaw (remotely), Bryant Nolden, County Commissioner (remotely), Bishop Bernadine Jefferson (remotely), Stephanie Jaeger (remotely), Cha'Ris Lee, (remotely), Linda Kossak, Secretary of the Board of Road Commissioners

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Dickerson.

Chairperson Dickerson commented that he is objecting to the need to have a special meeting to appoint a member of the Board to serve as a contact person with MCRC SIP to address the complaint letter received by the Board on January 28, 2021. Chairperson Dickerson feels that because the complaint is against the Managing Director, he should not have any part of this meeting.

Vice Chairperson Mandelaris questioned the need to hold this meeting this quickly and feels this discussion could have been held during a regular board meeting.

APPROVAL OF AGENDA

February 09, 2021 – Agenda

ACTION TAKEN – Motion by Mr. Elkins, seconded by Ms. Lane, to approve the February 09, 2021 agenda as presented.

VOTE ON MOTION:

Yes: Lane, Arceo, Elkins, Mandelaris

No: Dickerson

MOTION CARRIED.

PUBLIC ADDRESS THE BOARD

Mr. Charles Winfrey, County Commissioner, 2nd District, addressed the Board stating that he concurs with Mr. Dickerson as well as Mr. Mandelaris as to why this meeting needed to take place and why they did not go through the Chairperson first.

Bishop Bernadel Jefferson commented that this is not the first time they have been here regarding this person that had a complaint filed against them, and the rules apply to everyone.

Mr. Bryant Nolden, County Commissioner, 1st District, commented that he attended the GCRC Board meeting when the previous matter regarding the Managing Director was discussed and he said he has a problem with the meeting being held today. Commissioner Nolden said that when a complaint is received by the County Board, it is protocol to bring the complaint to the Chairperson to investigate.

Ms. Cha'Ris Lee, Attorney with Lee Legal Group and affiliated with the NAACP, addressed the Board regarding complaints and how they are handled at the Road Commission. Ms. Lee stated if there is a complaint made it needs to be followed up on.

Mr. A.C. Dumas spoke to the Board stating that he is affiliated with the Flint branch of the NAACP. Mr. Dumas said he is appalled that this board is trying to circumvent the process of a complaint. If someone files a complaint with the NAACP, Mr. Dumas said, the President is the one that must investigate the complaint and acts as the Chairperson of the Board. It is up to this Board to do the right thing.

BOARD OF ROAD COMMISSIONERS' DECISIONS

DISCUSSION

The purpose of this Special Board Meeting is to appoint a member of the Board to serve as its contact person with MCRCSIP to address the complaint letter received by the Board on January 28, 2021.

Mr. Elkins asked to speak regarding today's meeting. In regards to some of the statements made by the residents in no way Mr. Elkins said, was he trying to steer this conversation or to try to take control of this investigation without the Chairperson. It was simply a matter of him being new to the Board and he did not think the Board should take too long to address the complaint issue. Commissioner Elkins also said he did not like how the letters were presented, they should have gone to the Chairperson and the Managing Director of the Road Commission to discuss the matter then brought to the other members. Commissioner Elkins feels this matter should be a private matter and does not know how the public knows about the issue.

Chairperson Dickerson stated as taxpayers, the public has a right to know what goes on at the Road Commission. When a new member comes in and decides that you need to appoint a contact person, Mr. Dickerson said that is disrespectful to him as Chairperson.

Ms. Gayle Cummings, Administrator of the Michigan County Road Commission Self-Insurance Pool asked to speak to the Board regarding this issue. Ms. Cummings asked if the Board would like to make a motion to allow the insurance company (MCRCSIP) do the investigation into this complaint.

ACTION TAKEN - Motion by Mr. Elkins, seconded by Mr. Arceo, for the insurance company (MCRCSIP) to do the investigation on the complaint received by the Board on January 28, 2021.

Ms. Cummings stated per Robert's Rules we could discuss this issue before the Board votes on this motion.

Ms. Cummings introduced herself to those attending the meeting this morning. Ms. Cummings stated that she is the Administrator of the Michigan County Road Commission Self Insurance Pool (MCRCSIP). She said that she has been doing this job for 20 years, working her way up to her current position. Ms. Cummings stated that MCRCSIP is the insurer for the Road Commission in regards to liability insurance and employment liability insurance, which this complaint falls under.

MCRCSIP or the Pool, Ms. Cummings said, has a protocol that they use in these matters. Ms. Cummings said many times if a union employee files a harassment complaint against their supervisor, it would go through the regular union investigation process. In this instance, when you have a grievance against the Board or the Managing Director, the Pool almost always steps in and brings in independent attorneys that make sure this investigation is going to be done right. Attorney Andrew Cascini (Henn Lesperance PLC) is here this morning. Mr. Cascini is our employment defense attorney. The Pool is here to protect the whole Road Commission, Ms. Cummings said, which is primarily the Board. What you want to make sure, Ms. Cummings said, is that everyone is treated the right way. We are going to defend you if you are charged with doing that. Because, Ms. Cummings stated, if you are sued for whatever reason, we want to win. Ms. Cummings introduced Attorney Craig Lange, (Kirk, Huth, Lange, Badalamenti PLC) one of the most well intentioned attorneys she knows who will be investigating this complaint.

Ms. Cummings stated the attorneys will investigate the charges and will write a report for her, making sure all the I's are dotted and T's are crossed before this blows up into something ugly and it sounds like, she said, it is already halfway there. Ms. Cummings stated that we have an

agreement (with GCRC) that we are going to help you through this but if you do not listen to this advice, we may have to drop coverage. This is a big deal and the Pool wants to help the Road Commission do the right thing. Ms. Cummings said she will get a report from Attorney Lange, and she, Attorney Cascini, and maybe Attorney Lange will go over the report. This Board will not see the report and it is not available under the Freedom of Information Act (Client Attorney privilege). Ms. Cummings will come here and tell the Board what the report says in closed session. Now whether or not the complainant and accused person has the right to privacy that is something the Board must decide Ms. Cummings said.

Ms. Cummings said that Attorney Craig Lange will come here and do fact-finding with all parties and in her opinion, she does not think the Board needs an appointed person and we have to protect the parties involved in this for their privacy.

Attorney Cascini agreed with Ms. Cummings's explanation and agreed that appointing Attorney Lange to this investigation is correct.

Ms. Cummings said that after the report is written and reviewed, they typically report to the full Board and believe that it might help the Board to have everyone in a closed session board meeting.

Ms. Cummings introduced Attorney Craig Lange. Attorney Lange stated he has been in labor law for 40 years and said he has investigated many complaints of this nature with other road commissions as well as municipalities. His goal, he stated, is to take the complaint and look at the GCRC policy, which prohibits discrimination and harassment. Then he will speak to the complainant as well as the accused including any witnesses if necessary. When the report is submitted to Ms. Cummings and Attorney Cascini, they will discuss it between themselves. Then they will meet with this Board and speak about the conclusions of the report. Mr. Lange believes timing is important in this situation as well as resolving the complaint. Mr. Lange stated in his opinion, there is simply no reason why the Board needs to appoint a person when the Pool can handle this matter.

Ms. Cummings distributed a policy book to the Board that the Pool provides to all Road Commissioners regarding employment policy. The book she stated, was written in 2002 by an attorney (Wendy Hardt, Michael Kluck & Associates) and is a compilation on what the Board's responsibility is regarding employment laws and is updated periodically, including entries by Attorney Cascini. Ms. Cummings stated that it is difficult when complaints are filed but she said it happens quite a bit and reminded the Board that she is available if anyone has any questions.

Mr. Mandelaris thanked Attorney Lange for his comments and he stated that he agrees with him.

Ms. Lane addressed Chairperson Dickerson and said she did not intend to disrespect him and his position. Ms. Lane stated that she had received this email as a Commissioner and it was something that she felt from her prior experience as a Township official that it was to be addressed quickly and fairly for everybody involved and that was her sole goal. Her only concern is to do the best for the Road Commission and be a servant for the people.

Mr. Arceo thanked Attorney Craig Lange for the information that he provided to the Board. Mr. Arceo stated that he has reviewed the Road Commission policy and that there is a paragraph that discusses the harassment and discrimination issue. The Board does the best they can with the knowledge that they have to move forward said Mr. Arceo and he has the greatest respect for these two Attorneys and their assistance investigating this complaint. Mr. Arceo said the Board has the responsibility to resolve this complaint and move forward with the assistance of the Pool.

Chairperson Dickerson recognized Mr. Billy Bradshaw, previous Board Member as attending this morning's meeting virtually.

Mr. Elkins wanted to state that he did have a conversation with Chairperson Dickerson to apologize for his overzealousness. Mr. Elkins said he is new to this Board and with 16 years in governmental affairs, the way they operated was a little bit different than this Board operates. Mr. Elkins said when a personnel issue came up it was addressed immediately to get it resolved. Mr. Elkins would like to publically apologize to Chairperson Dickerson for his zealousness in trying to get this complaint resolved.

Chairperson Dickerson said he accepts Mr. Elkins apology and stated that when he first received the complaint, he called Attorney Tom Derderian. Then Mr. Dickerson said he got an email from Managing Director Fred Peivandi and he feels Mr. Peivandi should not have been involved in any part of this complaint. Mr. Dickerson called Ms. Cummings and Ms. Cummings suggested the Pool's involvement in this matter.

Chairperson Dickerson asked for a vote on the motion that is on the table to have MCRCSIP investigate the complaint.

VOTE ON THE MOTION

Yes: Lane, Arceo, Elkins, Mandelaris, Dickerson

No: None.

MOTION CARRIED.

Ms. Cummings stated that she would notify Chairperson Dickerson when their conclusion to the complaint has been completed. She asked that the Board refuse to speak to anyone on this matter, except for Attorney Lange. The Pool Ms. Cummings stated, is here to protect its members and she has no agenda other than protecting the Road Commission and its people. She stated that she knows both of these individuals involved in this complaint and she has the utmost respect for both of them.

Mr. Arceo asked Ms. Cummings if these types of complaints happen frequently with the Pool because this complaint really concerns him. Ms. Cummings stated that yes, they do occur quite frequently. She added that, we have a tremendous amount of services available to the Pool and we cover seventy-six Road Commissions in the State and recently changed the by-laws to include Road Commissions that are not members. Ms. Cummings added that she has had four calls this morning that are very similar to this complaint. Ms. Cummings wants the Board to know what the rules are and to insure its members that they have done the best job that they could. Ms. Cummings

stated that she has four attorneys that will help Road Commissions educate Board and staff members on laws and procedures and if the Board has any questions to call her.

ADJOURNMENT

Chairperson Dickerson, without objection, adjourned the meeting at 11:02 a.m.

JOHN J. GLEASON
Clerk/Register

Linda B. Kossak, Secretary of the
Board of County Road Commissioners
lbk/ 02/09/21